

**Planning and Zoning Commission
Meeting of April 29, 2014
Board of Supervisors' Meeting Room
County Administrative Center
219 East Cherry
Flagstaff, Arizona**

Members Present

Mark Buzzard, Chairman
Jack Doggett
Tammy Ontiveros
John Ruggles
Maggie Sacher
Don Walters
Mary Williams

Members Absent

Sat Best, Vice-Chair

Staff Present

Jason Christelman, Director
John Aber, Assistant Director
Jeanne Trupiano, Principal Planner
Bob Short, Sr. Planner
Zach Schwartz, Planner
Jessica Leiser, Deputy County Attorney
Joe Rumann, Engineering Supervisor
Melinda Rockhold, Recording Secretary

Chairman Buzzard called the meeting to order at 5:35PM. He noted procedures to the Audience.

I. APPROVAL OF MINUTES

Minutes of March 25, 2014 – **MOTION:** Commissioner Walters moved to approve the Minutes as written. Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

II. PUBLIC HEARINGS

1. Case No. CUP-14-001: A request for a Conditional Use Permit renewal (of CUP-11-011) for water tanks, water sales and a water hauling business on one acre in the CG-10,000 (Commercial General) Zone. The property is located west of Highway 64 at 5041 N. Deel Drive, and is identified as Sunset Strip Lot 2 and as Assessor's Parcel Number 202-07-003A.
Applicant: Randolph Feucht, Williams, Arizona

Mr. Schwartz summarized the staff report along with his PowerPoint presentation. He

noted he is recommending the Deel Drive access be discontinued until he has heard from the Courts. Staff is recommending a one-year approval. Mr. Schwartz stated Condition 1 needs to be modified. He has received the information regarding ADEQ compliance. Only one of the water hauling trucks has a proper license and he is suggesting the Condition be modified to state the licenses for those trucks should be received within 30 days. Commissioner Ontiveros asked where those licenses are obtained. Mr. Schwartz said it is through Coconino County Environmental Services. He spoke with Joelle Wirth of that division and was told the license can be obtained within 30 days.

Commissioner Ontiveros asked Mr. Schwartz for an update on the adverse possession case. Mr. Schwartz thought it had been applied for but referred the question to the applicant.

There were no further questions for staff.

Randy Feucht, Applicant, owner of Running Water, stated he does not understand the court procedures. He has applied for possession through the court system and understands it takes time. Chairman Buzzard asked Mr. Feucht if he had read and understood the conditions. Mr. Feucht said he can get the required licenses for the vehicles. Regarding gating off Deel Drive, Mr. Feucht thought that should wait until a decision has been made through the court proceedings. Commissioner Doggett explained to Mr. Feucht a barrier must be created so customers cannot use that entrance. Deel Drive cannot be used until the case is resolved in court. Mr. Feucht thought his customers would destroy the barrier and noted he cannot control what the public does. The Commission suggested placing some sort of sign to state no use and not to destroy or remove the barrier.

Commissioner Ontiveros asked Mr. Feucht for an update with the court case. Mr. Feucht stated May 1st is scheduled but he was not sure what that involved. Commissioner Ontiveros asked Ms. Leiser what that may entail. Ms. Leiser noted she had spoken with Mr. Feucht's attorney and thought May 1st is scheduled in the courts to set an actual hearing date. Commissioner Ontiveros asked Ms. Leiser what a reasonable time frame would be. Ms. Leiser stated a preliminary injunction could come in 60 days.

Commissioner Walters asked Mr. Feucht if he understood Condition 3 regarding storage of vehicles. Mr. Feucht said he did understand. Commissioner Walters noted if the Case is approved this evening, the Condition states Deel Drive will be gated to stop customers from using that access. Between the time of approval and the decision by the Court the access cannot be used. Mr. Feucht did not agree with that. He cannot tell people not to use the access. Commissioners Walters and Doggett stated fencing and signage can be put up. Mr. Feucht asked what would be done if the court approved in his favor. Commissioner Doggett noted the fence and signage can be removed and there would be legal access. The argument now is he and his customers are trespassing. Commissioner Doggett stated the Commission is trying to allow Mr. Feucht to continue his business until the access issue has been resolved in court. There is a different legal access and that is the one to be used until the court makes a decision.

Ms. Leiser explained the complaints have been filed in court but it may take time.

Commissioner Doggett stated if a resolution has been made the Conditional Use Permit may be approved for a longer term. He would like the business to continue but the access issue needs to be reconciled. Commissioner Walters stated whatever the resolution Mr. Feucht has to abide by them. Mr. Feucht said he will put up a fence but it may get torn down. Commissioner Ruggles suggested signage for customers that they must use the entrance off Highway 64. Mr. Feucht asked if he could put up a sign at the Shell Station. Commissioner Ruggles thought staff would be lenient.

The floor was opened for public comment.

Gail Dent, adjacent property owner, provided a copy of the legal documents she has filed with the courts. She congratulated the Commission for being unbiased. She stated that reaffirms for her the Commission is doing a good job. Ms. Dent stated she and another property owner have filed a counter suit. She added Mr. Feucht has not been honest with staff and the Commission all these years. Ms. Dent stated she has offered to sell Mr. Feucht an easement but is seeking fair compensation.

James Howington, property owner to the West, thanked the Commission for their efforts and agreed with Ms. Dent's comment.

The floor was closed for public comment. The Commission began their discussion.

Commissioner Ontiveros stated the Commission could grant a 60 day continuance to see if it gets resolved through the courts. Commissioner Sacher stated if there is a continuance the road will remain open. Approving tonight with the conditions listed by staff requires the road to be closed but the business to continue with access along Highway 64. Commissioner Doggett felt staff has done a good job respecting the conflict with the neighbors. The court system is the only logical answer to resolve the dispute.

MOTION: Commissioner Ontiveros moved to approve Case No. CUP-14-001 modifying Condition 1 to omit ADEQ approval but require all vehicles to get the proper hauling licenses through Coconino County within 30 days which were in the original conditions. Commissioner Walters seconded the Motion. The Motion was unanimously approved.

2. Case No. CUP-14-006: A request for a Conditional Use Permit for a guest house that exceeds the size and location limitations for a detached guest house in the G (General) Zone. The property is located at 4407 Twilight Way southeast of Mountainaire, and is identified as Assessors' Parcel Number 115-14-006.
Applicant: Alliance Bank of Arizona, Phoenix, Arizona

Mr. Short summarized the staff report and gave a PowerPoint presentation. Staff is not recommending approval of anything larger than 800 square feet. Mr. Short noted the Applicant and representative are present but may ask for a continuance.

Sherry Slayton, Alliance Bank, Flagstaff, stated the property has been going through the foreclosure process for the last 2 ½ years and is in rather poor condition. It has taken the Bank the past two years bringing it up to standards. Ms. Slayton stated when the upgrade

to the septic was applied for it was brought to their attention it exceeds the guest house regulations. They would like to resolve the issue tonight if possible.

David Monihan, Shephard-Westnitzer Engineering, Flagstaff, stated they have revised the floor plan and will now convert the garage and den to storage. The existing second floor is a large living room and will be converted to storage. Mr. Monihan noted that would bring the livable square footage down to 942 square feet. Mr. Monihan added there are building codes and heating/electrical issues yet to be resolved. The Applicant will do what is asked of them.

Commissioner Walters asked if everything else on the property is in compliance. Mr. Monihan stated the wastewater system was not. They are at the punch list stage with the Health Department.

Commissioner Ruggles noted whoever purchases the property may convert it back. Commissioner Doggett was skeptical of the 2nd floor. Commissioner Ontiveros noted if approved this evening, the Conditions listed in the March 17th staff report will need to be modified. Commissioner Sacher questioned whether the case should go forward since staff has not reviewed the newly proposed floor plan.

Mr. Monihan stated he understands if a continuance is the decision by the Commission but he and the applicant wanted to be present tonight. Ms. Slayton stated there is a tentative buyer but if a decision is not made tonight they will walk away. Commissioner Walters asked how long the property has been for sale. Ms. Slayton noted 18 months and this is the first interested party. Commissioner Walters asked Mr. Short if conditions could be made this evening. Mr. Short referred to the conditions listed in the March 17th staff report. He noted modifying them to reflect 942 square feet allowed and adding a condition that all entrances from storage areas are permanently closed off. The Commission questioned if there would be adequate egress. Mr. Christelman stated if used only for storage egress it would be adequate.

Commissioner Doggett asked Ms. Slayton if the potential buyer was aware of the guest house situation. Ms. Slayton stated it has not been disclosed that the 1800 square foot guest house would have to be reduced to 942 square feet. She added the guest house is not a significant interest to them. Commissioner Doggett stated deed restrictions should be recorded and fully noted to the buyer. Mr. Short noted recording of the deed restrictions is listed in Condition 1 of the March 17 staff report. Ms. Slayton stated the potential buyers had already agreed to the deed restrictions. She did not know what additional information to give them. Mr. Monihan added the buyers are aware of the meeting this evening. He has been in touch with the buyers' realtor.

The Commission agreed to move forward. There were no further questions for the applicant or staff. There was no public comment.

The Commission asked Mr. Short to repeat the condition regarding the doors. Mr. Short stated all the doors connecting the garage and storage areas going into the guest house shall be permanently removed. That can be added to Condition 1C. He also noted where it

is listed as 800 square feet should be changed to 942 square feet. He felt comfortable with those changes. Commissioner Ontiveros noted staff is recommending approval in modified form. Commissioner Sacher stated she was not comfortable with the process. Ms. Leiser suggested tabling it for now until staff has time to reword the conditions. Mr. Aber noted if the Commission should proceed a condition should be added that explicitly allows the guest house to be 130 feet from the main dwelling in lieu of the 60 foot maximum.

MOTION: Commissioner Ontiveros moved to approve Case No. CUP-14-006 with the following conditions:

1. The applicant must ensure the structure meets the requirements of Section 18.1.F 4 regarding the size of the structure by:
 - a. Submitting a signed and recorded deed restriction (i.e. Guest House Covenant) indicating the guest house shall not be expanded to a size greater than **942** square feet and is for non-paying family and guests only and not for rental;
 - b. Providing a floor plan showing areas to be included as part of the guest house and those areas to be converted to other non-livable spaces;
 - c. Reducing the size of the guest house to **942** square feet or less by separating or partitioning portions of the structure not to be included as part of the guest house, and reverting these areas to storage or other non-livable spaces. All carpeting and unpermitted fixtures **and doors** connecting garage and storage areas to guest house shall be completely removed; and
 - d. Arranging an inspection to verify the requirements under Condition 1c above have been accomplished.
2. A special inspection is required by the Building Division, and a building permit and remodeling permit shall be obtained to complete the requirements of Condition 1 above, and to correct all building and health code deficiencies identified on the property by the Building Official and/or the Health Department.
3. A waiver is granted to allow a 130 foot separation from the main dwelling in lieu of the 60 feet required.

Commissioner Walters seconded the Motion. The Motion passed 6-0-1, with Commissioner Sacher abstaining.

3. Case No. CUP-14-009: A request for Conditional Use Permit renewal (of CUP-09-018) for a 150-foot wireless communications tower (monopine) and a modification to add an equipment building on a 42-acre parcel in the General Zone. The property is located south of the Lake Mary Country Store at 480 Lake Mary Road, and is identified as Assessor's Parcel Number 114-07-002B.
Applicant: Crown Castle, Longmont, Colorado

Mr. Short summarized the staff report and also gave a PowerPoint presentation. Mr. Short stated staff is recommending approval of the renewal.

Commissioner Ruggles asked if the fence height required engineering. Mr. Short stated the fence is made of wood and does not require engineering. He added it does provide better screening and protection of the new building.

Mike Campbell, Campbell AZ, Representative, was available for questions.

The Commission had no questions for Mr. Campbell. There was no public comment.

MOTION: Commissioner Ontiveros moved to approve Case No. CUP-14-009. Commissioner Walters seconded the Motion. The Motion passed 7-0.

4. Case No. CUP-14-010: A request for a Conditional Use Permit for a bed and breakfast and caretaker's residence on a one-acre parcel in the CG-10,000 (Commercial General) Zone. The property is located at 625 Linger Lane in Valle, and is identified as Grand Canyon Subdivision Unit 10 Lot 345, and as Assessor's Parcel Number 503-15-022.
Applicant: Judith Pritchett, Williams, Arizona

Mr. Schwartz summarized the staff report along with a PowerPoint noting staff is recommending approval.

Commissioner Doggett referred to the configuration of the bedrooms. Mr. Schwartz explained the bedrooms and added windows would have to be enlarged for ingress/egress purposes. Mr. Schwartz stated the applicant is well aware of the building requirements and had received a special inspections report. Commissioner Doggett stated a hotel is usually designated by the number of bedrooms. Mr. Schwartz noted the number of bedrooms is not the issue for Planning and Zoning but with the Environmental Services division and the categories of transient dwellings and laundry facilities.

Commissioner Ontiveros referred to Condition 9 and asked if the wording "A waiver is approved to allow..." Mr. Schwartz agreed and noted staff is also recommending a paving waiver.

Judith Pritchett 625 S. Linger Lane, Williams, agreed with the conditions. Commissioner Sacher asked Ms. Pritchett if she were to move would she sell both pieces of property she owns. Ms. Pritchett said yes.

There were no further questions. There was no public comment.

The Commission agreed with the staff report and noted minor corrections to the conditions.

MOTION: Commissioner Ontiveros moved to approve Case No. CUP-14-010 changing the last word of Condition 5 to ‘approved’ and modifying Condition 9 to begin “A paving and landscaping waiver is granted. Existing landscaping...” Commissioner Ruggles seconded the Motion. The Motion passed unanimously.

5. Case No. CUP-14-011: A request for a Conditional Use Permit renewal (of CUP-09-012) for a 65-foot wireless communications tower (monopole) and associated ground equipment on a 2.6-acre parcel in the AR-2 ½ (Agricultural Residential, 2 ½ acre minimum parcel size) Zone. The property is located at 8905 N. Koch Field Road at the site of the Summit Fire Station, and is identified as Assessor’s Parcel Number 301-08-003A.

Applicant: Campbell A&Z LLC for Verizon Wireless, Peoria, Arizona

Ms. Trupiano summarized the staff report and also gave a PowerPoint presentation. She noted staff is recommending approval.

Commissioner Ruggles stated he passes the site frequently and has not noticed the color of the antennas or pole. Ms. Trupiano stated she looked at the color of another monopole at the other fire station and found the brown color to be more attractive rather than the existing grey.

There were no further questions for staff.

Mike Campbell, representative for Verizon, stated he has spoken with Ms. Trupiano on both the paint and gravel issues. He explained the towers were originally installed by Alltel and later purchased by Verizon. It was strictly a miscommunication. They will paint the color as staff recommended. Commissioner Doggett asked if the antennas are established below the top part of the pole. Mr. Campbell explained the top five feet is reserved for Summit Fire Station. Commissioner Doggett asked if the monopole is designed for co-location. Mr. Campbell said it was.

Commissioner Sacher clarified it will be painted if that is in the conditions of approval. Mr. Campbell said yes.

There was no public comment.

Commissioner Ruggles stated he lives in the area and is familiar with the site. He noted the tower is innocuous given its close proximity to the school and park. The antenna is not noticeable. He did not think it was necessary to be painted brown and added the visual impact is minimal.

Commissioner Doggett agreed with Commissioner Ruggles. He noted he did property rights for cellular towers and felt grey is the least visually intrusive.

Commissioner Ruggles asked Mr. Campbell if Verizon is in agreement with Condition 7 regarding gravel. Mr. Campbell said Verizon is in agreement with putting in the gravel.

MOTION: Commissioner Ruggles moved to approve Case No. CUP-14-011 eliminating the first sentence of Condition 6. Commissioner Doggett seconded the Motion. The Motion passed unanimously.

Chairman Buzzard noted to the public a Zone Change request goes onto the Board of Supervisors with a recommendation from the Planning and Zoning Commission.

6. Case No. ZC-14-003: A request for Conditional Zoning from G (General, 10 acre minimum parcel size) to RR-3 (Rural Residential, 3 acre minimum lot size) for a 13.19 acre parcel. The property is located in Munds Park, and is identified as Assessor's Parcel Number 400-44-005A.

Applicant: Dennis Raschke, Scottsdale, Arizona

Ms. Trupiano summarized the staff report and noted the request came about because the applicant would like to split the property. Staff recommends Conditional Zoning be applied. Staff is asking for a schedule of development. Ms. Trupiano stated when the staff report was written there were access issues and staff was recommending a continuance.

Commissioner Ruggles asked Ms. Trupiano to show the access easement on the site plan. Ms. Trupiano clarified the location of the access for the Commission and reiterated the easement is not for the proposed property. Commissioner Ruggles asked if that was a deeded easement. Ms. Trupiano said it was in a warranty deed stating it is an ingress/egress and public utility easement, not public access. Ms. Trupiano added the applicant is present to suggest a way to legally use the easement.

Commissioner Ruggles verified with Ms. Leiser since the easement is appurtenant to the applicant's property have the courts found that acceptable for use by the applicant and subsequent owners of the divided property. Ms. Leiser said no. Just to those specific property holders. Commissioner Ruggles noted that needs to be resolved.

Commissioner Doggett clarified it is only one lot but has the capacity to create four lots. Ms. Trupiano explained current zoning allows only one lot but with the Zone Change approval four lots could be created.

Commissioner Walters asked Ms. Trupiano where the floodway and floodplain were located. Ms. Trupiano verified the locations on the site plan and noted there will be requirements by the County Engineer to abide by.

John Svechovsky, Echo Engineering, Phoenix, representative for the applicant, noted Ms. Trupiano has been very helpful in the process. Mr. Svechovsky stated they will abide by the floodplain requirements. Regarding the access issue, Mr. Svechovsky noted he found three documents going back to the warranty deed. It was an easement granted for a specific use. The adjoining parcels were not included, including Mr. Raschke's property. They asked Mr. Carraro, owner of the property who granted the original easement, if he would allow an easement. Mr. Carraro agreed, however, Mr. Raschke is to provide, furnish and create the easement. Once reviewed and approved by his attorney Mr. Carraro will sign it. Mr. Svechovsky noted he will have County staff review it first to make sure it meets County requirements. He will also forward it to the Pinewood Sanitary District for their review since it will also be a public utility easement. Mr. Svechovsky asked the Commission to make a decision tonight and not continue the Case. He noted they do agree with the conditions listed in the staff report if the Commission should go forward, but are asking for 16 months in Condition 2 instead of the 12 months noted in the condition. That will allow two full construction summers to build the access road and bridge. Mr. Svechovsky noted Mr. Carraro was present.

Commissioner Ruggles verified the easement would be recorded as an access easement for the proposed four lots. Mr. Svechovsky said it would include a private access easement and also for utilities.

Commissioner Walters asked Mr. Svechovsky if they were doing their own flood study. Mr. Svechovsky said they will be using the flood study done by County consultants and do what is necessary not too change the floodplain. Mr. Svechovsky clarified the well is existing and will be building an underground storage tank. Mr. Svechovsky explained their proposed plan.

Commissioner Ruggles noted the applicant's plan notes two inches of gravel for their proposed road however lot split standards requires six inches. Mr. Svechovsky stated they will abide by County regulations.

Mr. Svechovsky asked Mr. Rumann what the width of the paved access would be. Mr. Svechovsky clarified the location he referred to. Mr. Rumann said that would be 20 feet.

Ms. Trupiano asked Mr. Svechovsky if the church would be using the new ingress/egress as a driveway. Mr. Svechovsky said that was correct and thought the church will be building their own paved access to the parking lot.

There was no public comment.

Commissioner Sacher referred to Condition 2 and thought sixteen months was reasonable, considering the short building season. Commissioner Doggett saw no reason to continue the case since the access issue is being resolved. There was no further discussion.

MOTION: Commissioner Doggett moved to approve Case No. ZC-14-003, amending Conditions 2 and 4 from twelve months to sixteen months. Commissioner Sacher seconded the Motion. The Motion passed unanimously.

Chairman Buzzard noted the Case now goes to the Board of Supervisors with the Commission's recommendation.

7. Case No. CUP-14-012: A request for Conditional Use Permit renewal (of CUP-09-016) for a horse boarding facility and equestrian events centers on an 18.62 acre parcel in the G (General, 10 acre minimum parcel size) Zone. The property is located at 3090 S. Old Munds Highway, and is identified as Assessor's Parcel Number 116-12-002W.
Applicant: Susan Wolfe, Flagstaff, Arizona

Mr. Aber summarized the report and gave a PowerPoint presentation. He stated staff is recommending approval. There were no questions for staff.

Susan Wolfe, Owner, stated the five conditions that have yet to be met are in the process. Ms. Wolfe agreed with the conditions. Commissioner Ruggles asked Ms. Wolfe if she felt five years was a reasonable time frame. Ms. Wolfe said it was. She does not anticipate any changes and five years allows her to get everything into compliance.

The floor was opened for public comment.

Derek Pope, horse owner, stated he is representing all other horse owners who use the facility. He stated it is a five star facility and their staff does an excellent job. Mr. Pope noted the site's cleanliness and maintenance of the facility. Mr. Pope stated they have a good children's program and with the owner and trainers living on the property the horses are always supervised.

The floor was closed for public comment.

Commissioner Williams stated she has been to the facility and agreed with Mr. Pope. There are many happy boarders and the facility provides what others in the area do not. Commissioner Ruggles added the owner is working with staff to comply, which says it all.

MOTION: Commissioner Sacher moved to approve Case No. CUP-14-012 with the conditions listed in the staff report. Commissioner Williams seconded the Motion. The Motion passed unanimously.

8. Case No. TUP-14-010: A request for a Temporary Use Permit for a self-contained portable food service unit on a 16 acre parcel in the RC (Resort Commercial) Zone. The property is located at 9440 State Route 89A, and is identified as Assessor's Parcel Number 405-17-001H.
Applicant: Wendt Construction for the Butterfly Garden Inn, Sedona, Arizona

Mr. Short summarized the staff report and gave a PowerPoint presentation. He noted staff is recommending a two-year approval.

Frank Garrison, property owner, and Robert Wendt, contractor, were available for questions.

Commissioner Sacher commented to Mr. Garrison the improvements he has done are very noticeable and the property is looking very good.

Commissioner Ruggles stated he did a site visit with staff. With State Route 89A being shut down for a while he concurred with staff's recommendations.

MOTION: Commissioner Ontiveros moved to approve Case No. TUP-14-010 with the conditions listed in the staff report. Commissioner Walters seconded the Motion. The Motion was unanimously approved.

9. Case No. CUP-14-013: A request for a Conditional Use Permit for an 8,000 sq. ft. metal building for storage/garage on a 5 acre parcel in the AR (Agricultural Residential, 1 acre minimum lot size) Zone. The property is located at 343 W. Hillcrest Drive in Ash Fork, and is identified as Assessor's Parcel Number 206-21-011

Applicant: Angela Martin and Caleb Gray, Phoenix, Arizona

Mr. Schwartz summarized the staff report and gave a PowerPoint presentation. Mr. Schwartz noted the applicants live on the neighboring property to the west. The lot has sufficient vegetation of Pinyon and Juniper trees to screen the large structure.

Commissioner Doggett asked Mr. Schwartz if he knew the applicants intentions for the structure. Mr. Schwartz stated he was told by the applicant it would be for the family's recreational vehicles. Commissioner Doggett noted the size of the storage building and asked if there should be a stipulation regarding a limitation of use. Mr. Schwartz said the applicant has been forthright what their intentions are. Mr. Aber added Condition 3 notes personal use only.

Caleb Gray and Angela Martin, Phoenix, stated they purchased the five acres from his grandfather. Mr. Gray stated they have boats, motorcycles, cars, campers, etc. The shop will be used to store and work on their personal vehicles. Mr. Gray added they also have a 5th wheel camper which is the purpose of the tall door. They work out of town for several months and would like to keep their items safe. Commissioner Doggett asked Mr. Gray if he has any commercial vehicles. Mr. Gray said he does not. He explained he works for a contractor and uses their vehicles from their place of business. Mr. Gray added it is a large structure but he would like one structure instead of five like his grandfather has.

Chairman Buzzard asked Mr. Gray and Ms. Martin if they understood the conditions. The

applicants stated they did.

There was no public comment.

MOTION: Commissioner Walters moved to approve Case No. CUP-14-013 with the conditions listed in the staff report. Commissioner Doggett seconded the Motion but noted his concern if the property is to be resold it might be used as commercial from the new owners. Commissioner Walters referred to the condition noting personal use only. The Motion was unanimously approved.

III. CALL TO PUBLIC FOR ITEMS NOT ON THE AGENDA

There was no public present for comment.

The meeting adjourned at 7:45PM.

Chairperson, Coconino County
Planning and Zoning Commission

ATTEST:

Secretary, Coconino County
Planning and Zoning Commission